



ATTORNEY DOCKET NO.: 056291-5044

PATENT

TECH CENTER 1600/2900

SEP 17 2002

RECEIVED  
1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re PATENT APPLICATION of:

EVANS et al.

Appln. No.: 09/756,291

Filed: January 9, 2001

FOR: FORMULATION

)  
) Group Art Unit: 1617  
)  
) Examiner: Hui, San Ming R.  
)  
)  
)  
)

Commissioner of Patents  
Washington, D.C. 20231

Date: September 13, 2002

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated March 13, 2002.

2. Additional papers enclosed:

- ☒ Second Information Disclosure Statement
- ☒ Third Information Disclosure Statement with Form PTO-1449 and 3 cited references
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input checked="" type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/> five months	\$ 1,960.00	\$ 980.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$920.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	47	minus	29	18	x \$18.00 each=	\$ 324.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	3	0	x \$84 each=	\$ 84.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>3</u> Month Extension of Time						\$ 920.00
Fee for <u>Two</u> Information Disclosure Statements						\$ 360.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 1,688.00

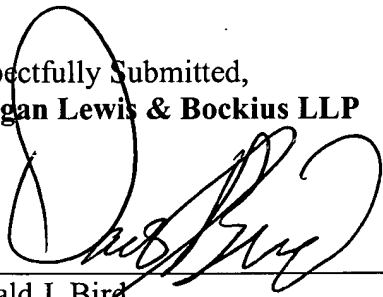
5. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$1,688.00 to Deposit Account No. 50-0310 for Additional Claims Fee (\$324.00), Additional Independent Claims Fee (\$84.00), Three-Month Extension of Time Fee (\$920.00) and Fee for Two Information Disclosure Statements (\$360.00).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: September 13, 2002  
Morgan Lewis & Bockius LLP  
Customer No. 009629  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
DJB:mk

By:

  
Donald J. Bird  
Registration No. 25,323  
Tel. No.: (202) 739-5320  
Fax No.: (202) 739-3001